

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-557-BO-KS

LATOSHA A. WARD,

Plaintiff,

v.

TONY E. WARD, SR., KELLY HOPE,
BLACKSTONE MEADOWS
HOMEOWNERS ASSOCIATION,
USAA, and NATIONSTAR MORTGAGE
LLC, d/b/a MR. COOPER,

Defendants.

ORDER

This matter is before the court on Plaintiff's motion to compel discovery pursuant to Rule 37 of the Federal Rules of Civil Procedure [DE #53]. A response in opposition to Plaintiff's motion has been filed by Defendants Kelly Hope, Blackstone Meadows Homeowners Association, USAA, and Nationstar Mortgage LLC, d/b/a Mr. Cooper [DE #55]. The time for Defendant Tony E. Ward, Sr., to respond has expired, and Plaintiff's motion is therefore ripe for ruling.

Rule 37 of the Federal Rules of Civil Procedure authorizes a party to move for an order compelling a party to comply with discovery served on it. Before doing so, the party must make a good faith effort to resolve the discovery dispute, and the party must certify it has done so in its motion. Fed. R. Civ. P. 37(a)(1); Local Civ. R. 7.1(c)(2) (E.D.N.C. May 2023) (requiring certification of "a good faith effort to resolve discovery disputes prior to the filing of any discovery motions"). This court's local rules also

require that a motion to compel “set[] forth . . . by item, the specific question, interrogatory, etc., with respect to which the motion is filed and any objection made along with the grounds supporting or in opposition to the objection.” Local Civ. R. 7.1(c)(2). A motion that does not satisfy these requirements should not be considered by the court. *Futreal v. Ringle*, No. 7:18-CV-29-FL, 2019 WL 137587, at *2 (E.D.N.C. Jan. 8, 2019) (“[T]he court will deny a movant's motion to compel if ‘the filing of the motion deprived the parties of a meaningful opportunity to resolve their dispute without court intervention.’” (quoting *Velasquez-Monterrosa v. Mi Casita Rests.*, No. 5:14-CV-448-BO, 2015 WL 1964400, at *4 (E.D.N.C. May 1, 2015))); Local Civ. R. 7.1(c)(2).

Plaintiff's motion fails to satisfy either of these requirements. In fact, the responding defendants represent that Plaintiff had not served any discovery requests prior to the filing of her motion to compel. (Jt. Resp. Opp'n Mot. Compel [DE #55] at 4–5.) Accordingly, Plaintiff's motion to compel [DE #53] is DENIED WITHOUT PREJUDICE.

This 19th day of May 2025.


KIMBERLY A. SWANK
United States Magistrate Judge